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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,336	03/13/2001	Kannan Srinivasan	696.003	1923
35195	7590	04/18/2006	EXAMINER	
FERENCE & ASSOCIATES 409 BROAD STREET PITTSBURGH, PA 15143			JANVIER, JEAN D	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/805,336	SRINIVASAN ET AL.	
	Examiner	Art Unit	
	Jean Janvier	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/21/06 has been entered. And a Non-Final Action follows.

DETAILED ACTION

Specification

Status of the claims

Claims 1-17 are currently pending in the Instant Application.

Claim Objections

Claims 1, 15 and 16 are objected to because of the following informalities-

Concerning claim 1, step ©, in the step of “determining an optimal promotion...”, it appears that intervening elements are missing therefrom. Indeed, step (b) or step (a) of the claim does not recite providing a plurality of promotions, such a \$ 6.00 coupon, \$ 10.00 coupon, \$15.00 coupon, etc., to a plurality of sampled visitors based on certain criteria and measuring the visitors’ response (acceptance) to the different promotions to decide which of the different

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promotions, i.e. the \$ 6.00 coupon, \$ 10.00 coupon or the \$15.00 coupon, has triggered a greater response from the visitors and label such promotion as the optimal promotion and suggest or present or display the optimal promotion to the concerned merchant or advertiser for a final decision. Having said, without the above language as discussed here, it appears that the step of “determining an optimal promotion...”, as recited in step (c), is premature.

Concerning claims 15 and 16, following “The method of claim 1, additional comprising”, (d) automatically updating the web site to use... should apparently be (e) automatically updating the web site to use... Since controlling claim 1 ends with step (d), the “next consecutive” step must be step (e).

Appropriate corrections are necessary.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson, US Patent 5, 918, 014 in view of Bibelnicks, US Patent 6, 567,786B1.

(in the present Action, "promotion" is treated as advertisement and vice versa as understood in the art).

As per claims 1-17, Robinson discloses a system based on the fact that people who have shown a tendency for similar likes and dislikes in the past will show a tendency for such similarities in the future. Those people, continues Robinson, who strongly display such similarities with respect to a particular person ("the subject") are referred to as that person's "community." If the members of a subject's community tend to click on a particular Web ad (interpreted herein as a promotion), then it is likely that the subject will also tend to click on that ad. Robinson further teaches a system that combines techniques for determining the subject's community (for determining which group the subject or user belongs to based on some criteria), and in the end determining which ads (determining an optimal ad that will generate a high click-through rate from users having similar profile as the community or sampled group whose interaction with a web site or the system has been recorded or logged and hence maximizing profits) to show to the user based on characteristics of the subject's community (sampled group or visitors). The information used to determine whether a given individual should be in the subject's community is gleaned from the individual's activities in the interactive medium. Means are provided to track and record a consumer's activities so all the information he generates can be tied together in a database, e.g. by means of "cookies;" or by software running on the consumer's computer, such as an in-line plug-in working in conjunction with the Web browser, or the Web browser itself. The individuals with the greatest calculated similarity become the subject's community (e.g. clusters are formed of groups of very similar consumers are formed). Ads are

presented to the subject based on his community, optionally selected based on demographics associated with the community. In short, a plurality of targeted visitors' activities, including ads viewed, to a web site are monitored and based upon these visitors' reactions to one or more viewed ads, the one or more ads are then being recommended or displayed to one or more users (being in the same group or cluster as those sampled visitors) having similar profile (configuration data as specified by an advertiser or merchant), such as demographics, as these visitors (See abstract).

Moreover, in the interactive mode or medium on the Internet, the monitoring may comprise previously visited web sites by the targeted visitors, frequency of such visits, items purchased at online stores including their prices (purchase history), entertainment recommendation ratings provided by the visitors, ads read or clicked on by the visitors and the visitors' disinterest in an ad **(Col. 2: 32-48)**.

Robinson further discloses, in one embodiment, that a new ad is displayed randomly or on a fixed schedule to a certain number of users or visitors (sampling visitors). During this "training period" for the new ad, **a certain percentage of the members of the subject's community will click on the new ad**. If this is an unusually high proportion (a percentage better or a threshold number), then there is a relatively high likelihood that the ad will be of relatively high interest to the subject or to one or more similar visitors (the ad will generate more click-throughs from one or more other visitors with similar profile). Here, statistical techniques are used to determine a probability, associated with a fixed confidence level, with which one can assume that a randomly-chosen member of the subject's community (or one or more other users) will tend to click on the ad; this probability is used as the measure of similarity. Once again, a

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new ad is displayed to certain visitors of the community of surfers (sampling visitors) and the system determines whether a high or low proportion of visitors have indeed read the ad and have chosen to view further information associated with the ad (weighing process or click-through). If a high proportion has chosen to view further information related to this ad, then the ad will be presented to similar users having the same profile as the sampled visitors who had originally interacted with the ad (Col. 3: 3-28; col. 3: 61 to col. 4: 14; See claims 1-3, 8 and 17 of the current reference).

Additionally, it is understood that once a user's or subject's community or associated group is known, then targeted ads scheduled to be displayed to the user or subject are determined based on a correlation between the group's profile and the user's profile (according to the advertiser's or merchant's specifications or criteria or received configuration data).

Subsequently, a web site, where the ads will be presented, related to these targeted ads is updated accordingly to reflect the generation of these targeted ads such that the ads can be displayed to the user or subject in a future visit at the web site (associated with at least one generated ad) contingent upon the advertiser's specifications (broadly interpreted to read on displaying the **optimal promotion to the Internet merchant**, which is not clearly defined or supported in the specification).

The Web ad or advertisement is herein being interpreted as a promotion, as practiced in the art.

In sum, the system groups or classifies a user or subject into a particular group or cluster based on the user's affinity or similarity with the members of the group (subject's community) as read from the user's recorded activities. Then the system determines which one of the one or

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more advertisements to present to the subject or user based on the members of the group by displaying a new advertisement for a training period to the members of the group and determining whether a high or low proportion of the members of the group or community have actually chosen to view further information regarding the displayed new advertisement. And if so, then the now tested advertisement (new advertisement) is considered or presented to the user or subject (displaying an optimal advertisement or optimal promotion from a plurality of advertisements or promotions to the user after recording the reaction of the members of the group to the display of the one or more advertisements- col. 3: 61 to col. 4: 6).

See fig. 1; Col. 1: 27 to col. 3: 46; col. 7: 47 to col. 8: 20; see claims 1-25 of the present reference.

As per claim 1, Robinson does not expressly teach determining an optimal promotion that optimizes at least one economic variable or value.

However, Bibelnicks, the secondary reference, discloses a method of and system for increasing the efficiency of customer contact strategies. Customers are analyzed based upon historical criteria. A promotional plan (**a group of promotion events or specific events implemented or to be implemented over a particular time period**) is analyzed to determine the effect of each promotion event on the other promotion events in the promotional plan; **and, based on this analysis, the optimal promotion stream (a specific subset of the promotional plan to be sent to customers or a group of similar customers) is determined so as to maximize the ROI of the promotional plan as a whole**. Here, the present system focuses on a particular customer or customer group (called a class), and their ROI (Return On Investment)

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value with respect to an entire set of promotion events proposed to be implemental over a period of time (col. 2: 45-67; col. 4: 66 to col. 5: 67; col. 6: 37 to col. 7: 15).

Therefore, an ordinary skilled artisan would have been motivated at the time of the invention to incorporate the teachings of Bibelnieks into the Robinson 's system so as to select an optimal advertisement or optimal promotion from a plurality of advertisements or promotions to be presented to a user or subject or customer not only based on the user's or subject's community reaction to the display of the one or more advertisements or promotions from the plurality of advertisements or promotions, but also based upon the maximum return on investment or ROI (economic value) associated with the selected advertisement or promotion and the user's ROI value for the selected promotion (or promotional plan or campaign) or the expected revenue for the selected promotion with respect to the user, thereby enabling a merchant or advertiser to control or minimize his liability/risk related to running a promotional plan or promotional campaign comprising a plurality of promotions or a plurality of advertisements by sending to a user or customer an optimal promotion or advertisement, selected from the plurality of promotions or advertisements offered or presented to a group of visitors (randomly sampled visitors) with similar interest or profile, that appeals to the user's interest or that is more likely to trigger a purchase, from the user or customer, of an item or service featured in the selected or sent promotion and wherein the customer's purchase will eventually contribute or increase the merchant's bottom line.

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Herz, US 2001/0014868.

As per claims 1-17, Herz discloses a system for the automatic determination of customized prices and promotions by constructing product offers tailored to individual shoppers, or types of shoppers, in a way that attempts to maximize a vendor's (merchant's) profits. These offers (promotions) are represented digitally. These offers or promotions are communicated either to the vendor, who may act on them as desired (presenting optimal promotions to a vendor or merchant), or to an on-line computer shopping system that directly makes such offers to shoppers. Largely by tracking the behavior of shoppers, the system accumulates extensive profiles of the shoppers and the offers that they consider. The system can then select, present, price, and promote goods and services in ways that are tailored to an individual consumer. Likely shoppers can be identified and enticed with the most effective visual and textual advertisements; deals can be offered to them, either on-line or off-line; detailed product information screens can be subtly rearranged from one type of shopper to the next. Furthermore, when a product can be

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tailored to a particular shopper, a general technique or expert system can offer each consumer an appropriately customized product (See abstract).

Generally speaking, by tracking the behavior of shoppers, the system accumulates extensive profiles of the shoppers and the offers that they consider. The tracking can comprise a number of sources of data to thereby utilize multiple attributes clustering to provide a more powerful analysis capability. The system can then select, present, price, and promote goods and services in ways that are tailored to an individual consumer and that maximize a vendor's or merchant's profits. Likely shoppers can be identified and enticed with the most effective visual and textual advertisements; deals can be offered to them, either on-line or off-line, when these are likely to tip the balance; detailed product information screens can be subtly rearranged, lengthened, or shortened from one type of shopper to the next. Furthermore, when a product can be tailored to a particular shopper, a general technique or expert system can offer each consumer an appropriately customized product. Many related opportunities also exist. For example, just as on-line advertisements can be directed to particular shoppers, so can advertisements on cable TV. Just as price points can be determined for a particular shopper, so can payoff points for wagers. And just as promotional material can be personalized to highlight the promotions with the greatest chance of success, an "electronic mall" can be personalized to highlight the products that the consumer is most likely to buy (See pages 1 and 2, paragraphs [0004-0005]).

The system is configured to grouping together shoppers and offers, with similar profiles (configuration data). A homogeneous group of shoppers formed in this way tends to exhibit a fairly homogeneous response toward a homogeneous group of offers. This is useful in drawing generalizations about future behaviors (and determining an optimal promotion to be presented to

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an interested vendor or merchant); predicting the probability that a given shopper will accept a particular offer. This is useful for deciding which of several offers to make; predicting the expected profit from making a particular offer, taking into account the expected value of the quantity that the shopper will buy, as well as any long-term costs and benefits, appropriately discounted; helping a shopper locate desirable offers, via searching, filtering, and browsing tools. (pages 2, paragraphs [0006-0009]).

Further, the shopper profiles could be used to suggest customized joint promotions. For example, a data analysis might show that ski vacations tend to be purchased around the same time as ski clothes. This motivates a joint promotion: buy the vacation, and get a discount on the ski cap. Such promotions could potentially be offered automatically (see page 2, paragraph [0010]).

Please consider the entire reference.

Response To Applicant's Arguments

Applicant herein argues that although Robinson discloses **randomly displaying advertisements to certain groups of visitors**, however, **there is no mention or suggestion of randomly sampling the visitors to the web site**. Here, the Examiner respectfully and completely disagrees with the Applicant's findings. First, Robinson (the primary reference) discloses, **as admitted by the Applicant, randomly displaying advertisements to certain groups of visitors visiting a web site**, which reads on the step of randomly sampling visitors to the web site. It is rather unclear what definition or interpretation or meaning

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the Applicant is attributing to “randomly sampling visitors to the web site”, which broadly interpreted means randomly selecting a few visitors from a plurality of visitors to a host web site to receive at least one advertisement or promotion. It appears here that the Applicant is incorrectly reading specific definitions or limitations from the specification into the claimed invention.

Additionally, Applicant submits that the Examiner has conceded that Robinson does not teach or suggest determining an optimal promotion **that optimizes at least one economic variable or value and used the Bibelnicks’ reference, as a secondary art, to compensate for the deficiency in the Robinson’s.** Nevertheless, Applicant contends, inter alia, that Bibelnicks fails to disclose “randomly sampling visitors to the web site”. The Examiner, however, never claims that Bibelnicks discloses “randomly sampling visitors to the web site”, which is, contrary to the Applicant’s conclusion and as shown above, supported in Robinson, the primary reference.

Having said, the Applicant has concluded that the combination of Bibelnicks and Robinson is improper since Bibelnicks focuses **on long-term promotional campaigns rather than specific promotional events** and Robinson **does not deal in long-term promotional strategy and does not create long-term marketing campaign.** Hence, Robinson and Bibelnicks are in direct contrast with each other in terms of analyzing and creating advertising plans. Here, the Applicant’s remarks are very broad in nature and offer no specifics. First, the claimed invention, as presented herein, has nothing to do with **long-term promotional campaigns or specific promotional events.** Once again, it appears that the Applicant is incorrectly or inappropriately reading limitations from the specification into the

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claims. In other words, the argued limitations are not necessarily claimed. Moreover, although not claimed, the Applicant does not provide enough information to help understand the notion of long-term promotional campaigns and specific promotional events.

In any event, Robinson discloses, contrary to the Applicant's findings, a system for displaying a targeted (optimal) advertisement from an advertiser to at least one second user (subject) if a plurality of first users from the subject's community or if an unusually high proportion of members from the subject's community (high proportion of the first users), having similar profile as the subject or second user, have indeed clicked on the same advertisement. Here, the advertiser has provided one or more advertisements along with display criteria (**merchant's configuration data**), such as demographics, that the users must have before the advertisements can be presented to them. The system is configured to at least display one targeted advertisement to a plurality of first users (randomly selected) matching the merchant's received configuration data or advertiser's display criteria. Subsequent to displaying a plurality of advertisements to a plurality of different groups of first users with different profiles matching the advertisements display criteria during a training period or test period or at discrete intervals (randomly sampling **continuously or at discrete intervals** visitors in accordance with the merchant's configuration data or display criteria), training or test data are collected and used to determine which advertisement(s) among the plurality of displayed advertisements receives an unusually high proportion of clicks from a plurality of first users (randomly sampled users). And the advertisement receiving the highest number of clicks from a first plurality of users having a specific profile is qualified as the **optimal advertisement** **(determining an optimal advertisement following an analysis or**

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monitoring process, which shows that at least one advertisement has received an unusually high click-throughs by the sampled users or users in a subject community, at discrete time intervals or during a training period, who have met an advertiser's criteria (specification or requirements) or configuration data to receive a targeted advertisement and displaying the at least one advertisement or optimal advertisement to a second user or subject having similar profile as the sampled users or users within the community).

Here, the method disclosed by Robinson can be employed in an ongoing or long-term promotional campaign wherein an optimal advertisement or promotion is determined for a specific campaign during a specific (discrete) time period, as one skilled in the art would have understood.

Here, Robinson does not expressly teach determining an optimal promotion **that optimizes at least one economic variable or value.**

However, Bibelnicks, the secondary reference, discloses a method of and system for increasing the efficiency of customer contact strategies. Customers are analyzed based upon historical criteria. A promotional plan (a **group of promotion events or specific events implemented or to be implemented over a particular time period**) is analyzed to determine the effect of each promotion event on the other promotion events in the promotional plan; **and, based on this analysis, the optimal promotion stream (a specific subset of the promotional plan to be sent to customers or a group of similar customers) is determined so as to maximize the ROI of the promotional plan as a whole.** Here, the present system focuses on a particular customer or customer group (called a class), and their ROI (Return On Investment)

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value with respect to an entire set of promotion events proposed to be implemental over a period of time (col. 2: 45-67; col. 4: 66 to col. 5: 67; col. 6: 37 to col. 7: 15).

Therefore, an ordinary skilled artisan would have been motivated at the time of the invention to incorporate the teachings of Bibelnieks into the Robinson 's system so as to select an optimal advertisement or optimal promotion from a plurality of advertisements or promotions to be presented to a user or subject or customer not only based on the user's or subject's community reaction to the display of the one or more advertisements or promotions from the plurality of advertisements or promotions, but also based upon the maximum return on investment or ROI (economic value) associated with the selected advertisement or promotion and the user's ROI value for the selected promotion (or promotional plan or campaign) or the expected revenue for the selected promotion with respect to the user, thereby enabling a merchant or advertiser to control or minimize his liability/risk related to running a promotional plan or promotional campaign comprising a plurality of promotions or a plurality of advertisements by sending to a user or customer an optimal promotion or advertisement, selected from the plurality of promotions or advertisements offered or presented to a group of visitors (randomly sampled visitors) with similar interest or profile, that appeals to the user's interest or that is more likely to trigger a purchase, from the user or customer, of an item or service featured in the selected or sent promotion and wherein the customer's purchase will eventually contribute or increase the merchant's bottom line.

Thus, contrary to the Applicant's contention, Robinson and Bibelnieks are not in direct contrast with each other. And the Applicant's request for allowance and withdraw of

the last Office Action have been carefully considered and respectfully denied since the Applicant's arguments are not persuasive.

Conclusion

Although the following references were not used in the Office Action, they were highly considered by the Examiner. Applicants are further directed to consult these references.

US Patent 6, 338, 066 to Martin discloses a log of previous web-surfer behavior listing the order in which each surfer downloaded specific items at the web site, and given a meaningful classification of those same items, future surfer behavior is predicted by the present invention. The algorithm utilizes a quantitative model relating items downloaded prior to some specified event to items downloaded after that same event. When the model is applied to a new surfer's session prior to an analogous event, the present invention predicts the likely behavior of the surfer subsequent to that event. The predicted behavior is then further analyzed to derive a quantitative value for the utility of the expected behavior. By randomly selecting sample sessions from a web log, multiple models of surfer behavior can be generated. The multiple models can then be applied to a new surfer's session to produce a predicted behavior/utility distribution and thus a confidence interval for the predicted behavior/utility (See abstract).

US Patent 6, 356,879 to Aggarwal discloses a system for deriving product characterizations for products offered at an e-commerce site based on the text descriptions of the products provided at the site. A customer characterization is generated for any customer

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browsing the e-commerce site. The characterizations include an aggregation of derived product characterizations associated with products bought and/or browsed by that customer. A peer group is formed by clustering customers having similar customer characterizations.

Recommendations are then made to a customer based on the processed characterization and peer group data (See abstract).

US Patent 6, 430, 539 to Lazarus discloses a predictive modeling of consumer financial behavior is provided by application of consumer transaction data to predictive models associated with merchant segments. Merchant segments are derived from consumer transaction data based on co-occurrences of merchants in sequences of transactions. Merchant vectors representing specific merchants are clustered to form merchant segments in a vector space as a function of the degree to which merchants co-occur more or less frequently than expected. Each merchant segment is trained using consumer transaction data in selected past time periods to predict spending in subsequent time periods for a consumer based on previous spending by the consumer. Consumer profiles describe summary statistics of consumer spending in and across merchant segments. Analysis of consumers associated with a segment identifies selected consumers according to predicted spending in the segment or other criteria, and the targeting of promotional offers specific to the segment and its merchants (See abstract).

US Patent 6,925,441B1 to Jones discloses a system and method of presenting targeted marketing to consumers, including businesses and associates, based upon the financial characteristics of the consumer, type offer being made and the channel of communication for delivery of the offer. The consumer is characterized based upon financial, behavioral, and

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socioeconomic factors. The offer is characterized based upon the consumer and the potential for the consumer accepting the offer. The channel of communication for delivery of the offer is also characterized and combined with the consumer and consumer-offer characteristics to arrive at a net present value of the offer to be made. If the net present value is sufficient the offer is processed and presented to the consumer. If the net present value is not sufficient, the offer is revised to present a better value to the consumer (or discarded if the required offer value can not be created) thereby enhancing the chances that the consumer will accept the offer in question. In this way the system and method of the target marketing creates value in both releasing, and not releasing, specific offers (See abstract).

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (571) 272-6719. The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (571) 272- 6724.

Non-Official- 571-273-6719.

Official Draft : 571-273-8300

04/13/06

JDJ

Jean D. Janvier

Patent Examiner

Art Unit 3622


JEAN D. JANVIER
PRIMARY EXAMINER